

August 29 2014 8:30 AM

KEVIN STOCK
COUNTY CLERK
NO: 14-2-12010-4

STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

ADULT FAMILY HOME TRAINING and
JENNIFER LALANDER and DENNIS
LALANDER, husband and wife, as members
of a marital community.

Defendants.

NO.

COMPLAINT FOR INJUNCTIVE AND
OTHER RELIEF

COMES NOW, Plaintiff, State of Washington, by and through its attorneys Robert M. Ferguson, Attorney General, and Sarah Shifley, Assistant Attorney General, and brings this action against Defendants named herein. The State alleges the following on information and belief:

I. PLAINTIFF

1.1 The Plaintiff is the State of Washington.

1.2 The Attorney General is authorized to commence this action pursuant to RCW 19.86.080, and RCW 19.86.140.

II. DEFENDANTS

2.1 Defendant, Adult Family Home Training, also known as Adult Family Home Service Center and AFH Training (hereinafter collectively referred to as "AFH"), was at all times relevant to this action an unincorporated for-profit business based in Pierce County, Washington, owned and operated solely by Defendants Jennifer and Dennis Lalander.

2.2 Defendant Jennifer Lalander is married to Defendant Dennis Lalander, and together they constitute a marital community. All actions taken by Ms. Lalander as alleged in this complaint are for the benefit of her marital community. Until at least June 11, 2014, Ms. Lalander maintained a primary residence at 6402 386th Street East, Eatonville, Washington, 98238.

2.3 As owner and operator of AFH, Ms. Lalander directed, controlled, formulated, and carried out the acts, practices, and activities that are the subject of this complaint.

2.4 Defendant Dennis Lalander is married to Defendant Jennifer Lalander, and together they constitute a marital community. All actions taken by Mr. Lalander as alleged in this complaint are for the benefit of his marital community. Until at least June 11, 2014, Mr. Lalander maintains a primary residence at 6402 386th Street East, Eatonville, Washington, 98238.

2.5 As owner and operator of AFH, Mr. Lalander directed, controlled, formulated, and carried out the acts, practices, and activities that are the subject of this complaint.

2.6 Mr. and Ms. Lalander acted in concert and cooperatively in carrying out the conduct alleged in this complaint and each is responsible for the unlawful conduct alleged herein.

III. JURISDICTION AND VENUE

3.1 The State files this complaint and institutes these proceedings under the provisions of the Consumer Protection Act ("CPA"), RCW 19.86.

1 3.2 The Defendants engaged in the conduct set forth in this complaint in Pierce County
2 and elsewhere in the state of Washington.

3 3.3 Venue is proper in Pierce County pursuant to RCW 4.12.020 and .025.
4

5 **IV. NATURE OF TRADE OR COMMERCE**

6 4.1 Defendants were at all times relevant to this lawsuit, engaged in trade or commerce
7 within the meaning of RCW 19.86.020 by selling or offering to sell adult family home continuing
8 education "home study" training materials and certificates of completion to the general public in the
9 state of Washington.
10

11 4.2 Defendants were at all times relevant to this action in competition with others
12 engaged in similar activities in the state of Washington.
13

14 **V. FACTS**

15 5.1 The Department of Social and Health Services ("DSHS") administers licensing for
16 adult family homes. A critical licensing requirement is that all adult family home employees
17 complete no less than twelve (12) hours of continuing education training per calendar year. An
18 adult family home that employs people who have not met their continuing education requirement is
19 at risk of losing its license to operate. Only trainers and trainings preapproved by DSHS Aging and
20 Long Term Support Administration satisfy the continuing education requirement.
21

22 5.2 The continuing education requirements were put into place through a voter-approved
23 initiative with the stated purpose of protecting vulnerable elderly and people with disabilities living
24 in adult family homes. Adult family home residents are often ill, unable to care for themselves, and
25 vulnerable to neglect and abuse. The continuing education requirements seek to ensure that adult
26

1 family home employees have the bare minimum training necessary to safely care for such
2 vulnerable populations.

3 5.3 The Lalanders began operating Adult Family Home Training ("AFH") in 2012,
4 taking over the business from their friend, Arlene Lee. The Lalanders had previously worked with
5 Ms. Lee when she ran the business.
6

7 5.4 From mid 2012 until at least December, 2013, the Defendants offered and sold
8 continuing education "home study" training materials to adult family home employees. However,
9 the Defendants were never approved by DSHS to provide continuing education, nor were the
10 training materials they used ever approved.

11 5.5 The Lalanders offered a dozen or so different "home study" continuing education
12 training packets specifically aimed at adult family home employees, on topics such as caring for
13 people with Alzheimer's, Diabetes, and Parkinson's, and on how to safely and properly handle
14 sharps.
15

16 5.6 The Lalanders did not actually provide any in-person continuing education
17 training. Instead, they would simply take payment, most often from the home where the
18 employee worked, and deliver a photocopied packet of "home study" training materials along
19 with a pre-signed certificate of completion. Mr. and Ms. Lalanders personally signed the
20 certificates of completion. The employee (or their employer) could then submit the certificate of
21 completion to DSHS.
22

23 5.7 The pre-signed certificates of completion that Defendants provided included a
24 UBI number intended to closely resemble a DSHS certification number and give the impression
25 that the training to which the certificate referred was DSHS-approved.
26

1 5.8 The Lalanders would also issue an invoice indicating that the services provided
2 were continuing education.

3 5.9 The Lalanders charged \$72.00 for continuing education "home study" training
4 packets and pre-signed certificates indicating completion of twelve hours of continuing
5 education. For trainings and pre-signed certificates indicating completion of less than twelve
6 hours, the Lalanders charged \$8.00 per credit hour:
7

8 5.10 The Lalanders kept records for individual adult family home employees. The
9 records included information on when each employee needed to recertify completion of
10 continuing education with DSHS. When the Lalanders believed that an employee was due for
11 recertification, they would call the home where the employee worked and offer to sell them a
12 training packet and certificate of completion. In these calls, the Lalanders represented that
13 purchase of the training packet and certificate of completion would satisfy the DSHS continuing
14 education renewal requirements.
15

16 5.11 The Lalanders also sent emails to adult family homes and their employees around
17 the time that they knew the employees were due to renew their continuing education with DSHS,
18 alerting them that the deadline for completion of continuing education was approaching and
19 telling the homes and employees to contact the Lalanders and purchase a training if they wanted
20 to take care of renewing their continuing education.
21

22 5.12 The Lalanders estimated that they kept files or contacts for somewhere between
23 360 to 1500 employees and that they sold between five and ten continuing education training
24 packets and certificates per week during the year and a half in which they operated.

25 5.13 When adult family home employees or managers submitted certificates issued by
26 the Defendants as proof that they had met DSHS's continuing education requirements, they were

1 informed that the certificate could not satisfy the requirement because neither the Lalanders nor
2 their "home study" continuing education trainings were approved. This left the employee or the
3 home where they worked in the position of having to spend additional money to obtain
4 continuing education training elsewhere.

5
6 5.14 The Lalanders were aware that they were not approved to offer continuing
7 education training and that the certificates that they were selling could not be used to show
8 compliance with DSHS's continuing education requirement. Despite this, they continued to
9 offer and sell hundreds of their training packets and certificates, taking thousands of dollars from
10 unwitting adult family home managers and employees.

11 12 13 VI. CAUSE OF ACTION

14 6.1 Plaintiff realleges Paragraphs 1.1 through 5.14 and incorporates them herein as if set
15 forth in full.

16
17 6.2 Defendants actions, including but not limited to those described in paragraphs 5.4
18 through 5.15 created the net impression that adult family home employees and managers that they
19 could satisfy the Department of Health and Human Service's ("DSHS") continuing education
20 requirement by purchasing the training packets and pre-signed certificates of completion Defendants
21 offered for sale.

22
23 6.3 In fact, none of the training packets that Defendants sold or offered for sale could
24 satisfy DSHS's continuing education requirements because Defendants were not approved by
25 DSHS to offer continuing education.

6.4 The conduct described above affects the public interest and constitutes unfair or deceptive acts or practices in trade or commerce and unfair methods of competition in violation of RCW 19.86.020 and is not reasonable in relation to the development and preservation of business.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, State of Washington, prays for relief as follows:

7.1 That the Court adjudge and decree that Defendants have engaged in the conduct complained of herein.

7.2 That the Court adjudge and decree that the conduct complained of constitutes unfair or deceptive acts or practices in violation of the Consumer Protection Act, RCW 19.86.

7.3 That the Court issue a permanent injunction enjoining and restraining Defendants, and their representatives, successors, assigns, officers, agents, servants, employees, and all other persons acting or claiming to act for, on behalf of, or in active concert or participation with Defendants, from continuing or engaging in the unlawful conduct complained of herein.

7.4 That the Court assess civil penalties, pursuant to RCW 19.86.140, of up to two thousand dollars (\$2,000) per violation against Defendants for each and every violation of RCW 19.86.020 caused by the conduct complained of herein.


7.5 That the Court make such orders pursuant to RCW 19.86.080 as it deems appropriate to provide for restitution to consumers of money or property acquired by Defendants as a result of the conduct complained of herein.

7.6 That the Court make such orders pursuant to RCW 19.86.080 to provide that the plaintiff, State of Washington, have and recover from Defendants the costs of this action, including reasonable attorneys' fees.

1 7.7 For such other relief as the Court may deem just and proper.
2
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4 Dated this 28th day of August, 2014.
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6 ROBERT W. FERGUSON
7 Attorney General

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